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Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Note verbale dated 17 June 2011 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya, and has the honour to transmit herewith its report pursuant to resolution 1970 (2011) on the steps taken to implement paragraph 25 of that resolution (see annex).

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Annex to the note verbale dated 17 June 2011 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chair of the Committee

Implementation of sanctions

1. Paragraph 25 of Security Council resolution 1970 (2011) requires all Member States to report to the United Nations on the steps they have taken to implement the arms embargo, asset freeze and travel ban measures. The steps taken by the United Kingdom of Great Britain and Northern Ireland pursuant to paragraph 25 are outlined below.

Arms embargo

Export background

2. The export from the United Kingdom, and in some circumstances the supply from third countries by United Kingdom nationals overseas, of all arms and related materiel is prohibited unless the export or supply has been authorized by a licence granted by the Secretary of State for Business, Innovation and Skills. The relevant prohibitions and provisions for licensing are set out in the Export Control Order 2008. Licences are only granted after careful assessment against relevant criteria, including the United Kingdom's obligations under sanctions imposed by the United Nations. Likewise, gifts of export licensable goods made by the Government of the United Kingdom to another Government or overseas end-users are usually assessed on a case-by-case basis against the relevant criteria, including the United Kingdom's obligations under United Nations-imposed sanctions, and gifts will not be made in breach of the United Nations-imposed sanctions. As a result, the United Kingdom will not issue licences for export of arms and related materiel to Libya, or approve a gift by the Government of the United Kingdom, unless the export meets the conditions set out in resolution 1970 (2011) or is necessary to protect civilians and civilian populated areas under threat of attack in Libya.

3. Further measures necessary to implement the arms embargo have been taken by the European Union and are set out in Council Decision 2011/137/CFSP and Council Regulation (EU) No. 204/2011, as amended. These instruments have direct effect in all member States and prohibit the sale, supply, transfer or export, directly or indirectly, to Libya of a list of equipment that could be used for internal repression and the provision, directly or indirectly, of technical or financial assistance or of brokering services related to arms or to equipment that could be used for internal repression. These measures apply to acts done within the European Union, on board any vessel or aircraft under the jurisdiction of a member State, to legal persons, bodies or entities established in the European Union, and to nationals of member States wherever they are located. Council Regulation (EU) No. 204/2011 requires member States to lay down penalties for infringements of the measures contained in the Regulation. In the United Kingdom these penalties are set out in the Export Control (Libya) Order 2011.

Enforcement

4. The arms embargo in resolution 1970 (2011) is implemented in the United Kingdom's overseas territories by The Libya (Restrictive Measures) (Overseas Territories) Order 2011, made by the Privy Council (except as regards Gibraltar, which has legislated independently). Separate legislation has been made in the Crown Dependencies: they have each brought into force domestic measures to implement resolutions 1970 (2011) and 1973 (2011).

5. Her Majesty's Revenue and Customs continues to enforce existing controls on the export of military items and enforce the United Kingdom's export licensing system on military goods and technology destined for Libya. This includes goods that are in transit or being trans-shipped through the United Kingdom. Her Majesty's Revenue and Customs and the United Kingdom Border Agency are also alert to the risk of controlled goods being exported to known diversionary destinations and, on the basis of good quality information, will examine and, where appropriate, detain and seize goods that are likely to be illegally diverted to the Libyan Arab Jamahiriya.

6. As part of their enforcement responsibilities, Her Majesty's Revenue and Customs and the United Kingdom Border Agency also continue to enforce end-use controls. Where goods are suspected of requiring export licences from the Department for Business, Innovation and Skills, the consignment will be examined, and depending on the circumstances of the case, detained. If it is identified that an attempt has been made to breach controls, enforcement action may be taken which may include seizure and criminal investigation, where appropriate.

7. Her Majesty's Revenue and Customs also enforces the prohibition on trafficking and brokering controls in relation to military goods both originating in, and destined for, the Libyan Arab Jamahiriya, where the trade activity is undertaken within the United Kingdom or by a United Kingdom national anywhere in the world, or by individuals acting on their behalf or at their direction, or by entities owned or controlled by them.

8. The arms embargo is enforced in the Crown Dependencies and Overseas Territories by their relevant authorities.

Asset freeze

9. Her Majesty's Treasury is responsible for implementing financial sanctions within the United Kingdom. The financial sanctions element of resolution 1970 (2011) is implemented in the United Kingdom under the Libya (Financial Sanctions) Order 2011 (the "United Kingdom Order") and under Council Regulation (EC) No. 204/2011 (the "European Union Regulation"), which has direct legal effect in the United Kingdom. Enforcement of the European Union Regulation is provided in the United Kingdom by the Libya (European Community Financial Sanctions) Regulations 2011 (the "United Kingdom Regulations"). The Security Council decided in resolution 1970 (2011) that asset-freezing measures should apply to various individuals and entities listed in annex II to that resolution or designated by the Sanctions Committee. Such individuals and entities are subject to the United Kingdom Order and the European Union Regulation, which provide for the freezing of funds, other financial assets and economic resources of those individuals and

entities listed by the Security Council or by the Sanctions Committee in accordance with paragraph 24 of resolution 1970 (2011).

10. The United Kingdom Order and the United Kingdom Regulations provide for:

(a) Criminal penalties, including for any breaches of prohibitions on dealing with the funds of, or making funds available to, persons subject to asset freezes in accordance with resolution 1970 (2011) by United Kingdom citizens and legal bodies;

(b) Licences to be granted by Her Majesty's Treasury as the United Kingdom's competent authority to allow funds, other financial assets or economic resources to be dealt with or made available, consistent with the exemptions set out in resolution 1970 (2011) and the European Union Regulation.

11. Her Majesty's Treasury publicizes information on financial sanctions on its website and through an alert system that updates approximately 8,000 subscribers. This assists financial institutions and others in freezing the funds and economic resources of listed persons and entities to ensure compliance with the obligations set out in resolution 1970 (2011).

12. The Financial Services Authority regulates the financial services industry in the United Kingdom and takes an active approach to ensuring that firms have systems and controls in place to comply with resolution 1970 (2011).

13. The asset-freeze provisions of resolution 1970 (2011) are implemented in the Overseas Territories by The Libya (Restrictive Measures) (Overseas Territories) Order 2011 (except for Gibraltar, which has legislated independently). The asset-freeze provisions are implemented independently in the Crown Dependencies.

Travel ban

14. The United Kingdom complies with the travel ban provisions in the Security Council resolutions by including them in the Immigration (Designation of Travel Bans) Order 2000 ("the 2000 Order"). This Order is made under section 8B of the Immigration Act 1971 (as amended) and came into force on 10 October 2000. The effect of including travel bans in the 2000 Order is that, unless subject to one of the exemptions set out in article 3 of the 2000 Order, a person named by or described in a designated travel ban is an excluded person and must be refused leave to enter or remain in the United Kingdom, including transit through the United Kingdom. Any existing leave is automatically cancelled and any exemption from immigration control e.g. as a diplomat, ceases.

15. The travel-ban provisions of the resolutions are implemented independently in the Crown Dependencies and Overseas Territories.

Implementation of paragraph 15 of resolution 1970 (2011)

16. Paragraph 15 of resolution 1970 (2011) requires all Member States to take the necessary measures to prevent the entry into or transit through their territories of the 16 individuals listed in annex I and of any individuals designated subsequently by the Sanctions Committee.

17. The United Kingdom implemented this requirement by means of the Immigration (Designation of Travel Bans) (Amendment) Order 2011 (Statutory Instrument 2011 No. 547). This Order was made on 27 February 2011 and came into force on 28 February 2011. The Order may be viewed at: http://www.legislation.gov.uk/uksi/2011/547/pdfs/uksi_20110547_en.pdf. The Immigration (Designation of Travel Bans) Order 2000 may be viewed at: http://www.legislation.gov.uk/uksi/2000/2724/pdfs/uksi_20002724_en.pdf.